

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
TIMOTHY CHEROTTI,

Plaintiffs,

-v-

EXPHAND, INC. and FRANK NEMIROFSKY,

Defendants.

CIVIL ACTION NO.: 20 Civ. 11102 (SLC)

ORDER

SARAH L. CAVE, United States Magistrate Judge.

On November 4, 2022, Plaintiff filed a motion for default judgment against Defendants. (ECF No. 115 (the “Motion”). On December 23, 2022, Plaintiff “supplemented” the Motion with an affidavit (the “Affidavit”) stating that he “incurred \$160,666 in legal fees and expenses in conjunction with this action” and asking “that the Court include the \$160,666 in a judgment against the defendants[.]” (ECF No. 118). The Affidavit does not, however, include any contemporaneous records to support the requested award of attorneys’ fees. “It is well settled that a plaintiff must “document the application [for fees and costs] with contemporaneous time records . . . specify[ing], for each attorney, the date, the hours expended, and the nature of the work done.” J & J Sports Prods., Inc. v. Silvestre, No. 18 Civ. 3731 (PGG) (JLC), 2019 WL 179810, at *5 (S.D.N.Y. Jan. 14, 2019) (quoting N. Y. State Assn’n for Retarded Children, Inc. v. Carey, 711 F.2d 1136, 1148 (2d Cir. 1983)).

Accordingly, if Plaintiff continues to seek an award of attorneys’ fees, by **January 27, 2023**, he shall file a declaration of his counsel (the “Declaration”) attaching contemporaneous billing records, specifying for each attorney, the date, the hours expended, and the nature of the work

done. To the extent that he also seeks costs incurred in this action, he must also submit contemporaneous receipts, not merely entries in counsel's billing records, in support. See Suriel v. Cruz, No. 20 Civ. 8442 (VSB) (SLC), 2022 WL 1750232, at *18 (S.D.N.Y. Jan. 10, 2022) (denying costs where party failed to submit documentation substantiating the amounts reflected in attorney billing records), adopted by, 2022 WL 1751163 (S.D.N.Y. May 31, 2022). Plaintiff shall also promptly serve the Affidavit and the Declaration on Defendants, and file proof of service by **January 27, 2023**.

Dated: New York, New York
December 27, 2022

SO ORDERED.



SARAH L. CAVE
United States Magistrate Judge